

FARAD CONTINUATION SHEET NO.:

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

CIVIL APPLICATION NO.4720 OF 2003
IN
FIRST APPEAL NO.1689 OF 2003

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Office Notes, Office Memoranda of : Court's or Judge's orders.
coram, appearances, Court's orders :
or directions and Registrar's :
orders. :
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Mr H.E.Palwe, for the
applicant/appellant.
Mrs Seema Sarnaik, for the respondent.

CORAM: D.B.BHOSALE, J.
DATED: 28.11.2006

P.C.:

Heard the learned counsel for the parties.

By this civil application, the applicant has prayed for stay of the impugned judgment in the appeal. It appears that this court, vide order dated 1.9.2004 passed in the appeal, had directed the applicant-husband to deposit the arrears of the decretal amount within four weeks from the date of the order and the respondent-wife was allowed to withdraw 25 percent thereof. It further appears that this Court, vide order dated 15.2.2006 passed in civil application no.783 of 2006,

allowed the respondent-wife to withdraw the entire amount deposited in the trial court. Ms Sarnaik, learned counsel for the respondent-wife, submits that since 1.11.2004 the applicant has not paid the maintenance as per the decree and he is in arrears of the amount of the maintenance. Keeping that in view and considering the overall facts and circumstances of the case, I am satisfied that the following order shall meet the ends of justice.

(a) The applicant is directed to deposit 50 percent of the arrears from November, 2004 till October, 2006 in the trial court within a period of eight weeks from today and remaining 50 percent within eight weeks therefrom.

(b) The applicant shall continue to deposit the monthly maintenance as per the decree in the trial court till the disposal of the appeal. The respondents are allowed to withdraw the amount deposited by the applicant-husband.

(c) With these observations, this civil application is disposed of.

(D.B.BHOSALE, J.)